

(b) Each special Government employee shall keep his statement of employment and financial interests current throughout his OSHRC employment by the submission of supplementary statements.

**§ 2202.20 Review procedures.**

(a) The Chairman shall promptly review each initial and supplementary statement of employment and financial interests required by this part. No individual may enter on duty as a special Government employee if the Chairman determines that employment would be in conflict with the standard set forth in this part, or other applicable regulations, laws, or orders.

(b) Before the chairman disapproves a statement of employment and financial interests submitted by a regular or special Government employee, such employee must be given an opportunity to furnish such additional information as may be appropriate in considering the statement of employment and financial interests. If, after adequate investigation, he disapproves an employee's statement of employment and financial interests, he shall promptly notify the employee of the disapproval and recommend appropriate remedial action pursuant to § 2202.3. If the employee is unwilling or unable to take such action, the Chairman shall forthwith take appropriate action on such statements of employment and financial interests and shall initiate appropriate remedial action under § 2202.3 and other applicable laws, orders, and regulations. Pending any final determination with regard to an employee's statement of employment and financial interest, the Chairman shall relieve the employee of any duties which appear to conflict with a private interest or activity.

**§ 2202.21 Confidentiality.**

Each such statement of employment and financial interests and supplementary statements will be held in confidence. Statements shall be kept in a special file maintained by the Chairman. No statement or copy thereof may be placed in an employee's personnel file. The Chairman is also responsible for maintaining the statement in confidence and shall not allow an indi-

vidual to examine any statement or copy thereof except for good cause shown, and in fulfillment of the individual's responsibilities under the regulations in this part. No information from a statement of employment and financial interests may be disclosed outside of the agency except in conformance with the Freedom of Information Act and the Privacy Act.

**§ 2202.22 Review of files.**

The Chairman or his designee may from time to time examine the files containing statements of employment and financial interests and supplementary statements. He shall take any appropriate corrective action.

**§ 2202.23 Interests of employees' relatives.**

For the purpose of the statements of employment and financial interests required by this subpart, the interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood and inlaw relations who are residents of the employee's household.

**§ 2202.24 Information not known by employees.**

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request the other person to submit information in his behalf.

**§ 2202.25 Information not required.**

This subpart does not require an employee to submit, on a statement of employment and financial interests or supplementary statement, any information relating to the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank; provided, that in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed one percent of the

value of the reported assets of the mutual fund, investment company, or bank. In addition, this subpart does not require submission of information relating to the employee's connection with, or interest in, a professional society or charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise or subject to the provisions of the Occupational Safety and Health Act of 1970. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

**§ 2202.26 Effect of employees' statements on other requirements.**

The statement of employment and financial interests and supplementary statements required of employees are in addition to and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulations. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

**APPENDIX A TO PART 2202**

Attention of OSHRC employees is hereby directed to the following statutory provisions:

- (a) House Concurrent Resolution 175, 85th Congress, second session, 72 Stat. B12, the "Code of Ethics for Government Service."
- (b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.
- (c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).
- (d) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).
- (e) The prohibition against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).
- (f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).
- (g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibition against political activities in subchapter III of chapter 73 of title 5 United States Code and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

**PART 2203—REGULATIONS IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT**

Sec.

2203.1 Purpose and scope.

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AUTHORITY: 29 U.S.C. 661(g); 5 U.S.C. 552b(d)(4); 5 U.S.C. 552b(g).

SOURCE: 50 FR 51679, Dec. 19, 1985, unless otherwise noted.

**§ 2203.1 Purpose and scope.**

This part applies to all meetings of the Occupational Safety and Health Review Commission. Its purpose is to implement the Government in the Sunshine Act, 5 U.S.C. 552b. The rules in this part are intended to open to public observation, to the extent practicable, the meetings of the Commission, while